

ETHICS IN MARKETING COMMUNICATION

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Abstract. *As well as the entire business world, marketing has its own ethics problems. Numerous marketing specialists or their representatives have consciously declared and adopted different engagements, declarations or codes of rules regarding the necessity that marketing people consider ethics regulations and values, so that they become much more responsible towards the members of society. These declarations or rules concern marketing practices in their ensemble or are guided towards certain specific fields. Among these fields, a special place is occupied by marketing communication, which has to be guided by ethical regulations and moral values.*

Key words: ethics, regulation, marketing, communication, instruments.

1. Introduction

Business world mutations, as well as the change of mentality regarding the way business are done, have led to the necessity of analysing the fairness of this process not only from a judicial point of view, but also from the moral point of view. As a result, a new discipline has been conceptualised - business ethics. This discipline is situated on the line between moral philosophy and management, which implies the utilisation of a set of useful instruments for deciding upon company strategies, solving conflicts between different groups that interact within a business: employers and employees, managers and stake holders, company and the local community, state institutions etc. As moral principles or ethics codes, ethics is applied in human resources management, crisis management, marketing communication of all kind: branding, public relations, publicity (Diaconu, 2006).

Ethics cannot be simply reduced to respecting the law, as judicial regulations often prove to be insufficient in order to correspondingly administer relations with the others.

2. The conceptual frame

Economic ethics (business ethics) constitutes an ensemble of moral rules and regulations with respect to agents' behaviour in the economic activity (in business) and, together with law principles and regulations, ensure the good course of activities and the success in business (Dobrota, 1999, p. 205). Business ethics is a particular form of applied ethics (applied ethics referring to the moral analysis of concrete situations from social or professional practice in order to take some decisions), which refers to economic agents', employees', owners' and managers' behaviours (Popa si Radu, 1999, p.250). Business ethics is essential for the long-term success of the activity, general truth tested both from the macro-economical perspective (immoral

behaviour can distort the market and lead to an insufficient allocation of the resources), and at a micro-economical level (at this level it is often associated with trust in relationships with providers, clients, employees and community), each organisation having responsibilities both in a social and in an economical sphere (Tigu, 2005, p.21). Social responsibility and ethical behaviour in business are strongly tied together with organisational culture. Organisation's employees, as well as specific external public categories of the organisation are waiting are waiting empowered responsibilities from companies regarding their contribution to the general wellbeing of the society. In economic literature it is estimated there are the following concentric circles of responsibilities (Ionescu, 1997, p.173):

- a) the internal circle, which includes basic responsibilities, regarding the efficient accomplishing of companies' economic function (delivering products, services, jobs and economic growth);
- b) the intermediary circle, which sums up responsibilities regarding exercising the economic function, beginning with realising the change in social values and priorities (for example, the much more rigorous protection and informing of consumers, correct treatment for employees and consumers, assuring quality and safety of the product etc.);
- c) the external circle, which concerns new responsibilities that should be assumed by organisations, for a more sustained involvement in the active development of the social environment (for example, poverty, corruption, pollution, education, preserving resources etc.).

Although not all companies can assume social responsibilities, there are numerous fields in which organisations are approaching the way in which they understand and get involved in this kind of activities (for example, Kraft Foods company, with the program "Together for children", having as an objective improving treatment and hospitalising conditions for children in Romania, Procter&Gamble company with the program "Live, Learn and Develop yourself", having as goal helping children in need for support, JTI Romania, Vodafone etc., companies that either initiate or support different activities and programs of social responsibility). Of course that the decision for organisations to get involved in different activities of social responsibility belongs firstly to the managers of these organisations, respectively to those that choose the way and modality of action, starting with their own conscious, because, in fact, "...the only guiding direction for a straight, correct conduct is the irrefutably strong common sense or moral common sense feeling and our power to action on its basis as an initiative" (Ionescu, 2006).

As the entire business world, marketing reveals its own ethics problems.

In conditions of high business velocity, in the context of a continuously changing global economy, marketing itself evolves in a dynamic way, it is permanently revising itself, both from a conceptual and from a methodological point of view, permanently adapting, as marketing itself requires, to demands and evolution of economical, technological and social live, demanding new mentalities and working practices.

From the production concept, which functioned as a guiding milestone in marketing activities, nowadays the concept of social marketing compels recognition, concept according to which the marketing task of an organisation is the one of determining the needs, demands and interests of target-markets and offering the awaited satisfaction in a more efficient way than the competitors, so that the consumers' and society's wellbeing is maintained or improved. (Kotler, 1997, p.61). According to this concept, in the process of elaborating the market policy, the marketing people must take into consideration three aspects: company profits, consumer satisfaction and public interest. In the opinion of Romanian marketing specialists, (who recommend utilising the term "societal marketing", corresponding to a more accurate translation, closer to the real sense and content), this concept is the representative of a "human marketing", according to whose principles organisations must assume much higher social and human responsibilities, so that contradictions between consumers' wishes in a short period of time and their wellbeing on a larger horizon are avoided, as well as environmental conflict states (Balaure, Adascalitei et al, 2000, pp. 44-45). In other words, both organisations' "egoism" (materialized in their urge for profit), as well as consumers' "egoism" (willing to be as pleased as possible, as satisfied as possible of what they buy or use) must be diminished, attenuated, and the attention must be drawn more and more towards the present and future wellbeing of the whole humanity. Of course, it is easier to say and harder to do. On one hand, nowadays consumer is more and more exigent, willing to purchase products and services at higher prices, that justify a high quality level, on the other hand, organisations can educate the consumers towards encouraging purchasing and consuming the products and services they offer, often utilising arguments from the moral sphere (it is good, it is healthy, it is recommended etc.) and relevant prices (these aspects are visible mostly in case of ecological products, offered at a very high price that reflects their insufficiency on the market and high obtaining costs).

Being always in a permanent contact with the public, the marketing activity couldn't remain outside the moral. Starting with the importance companies' social responsibility, the problematic of marketing ethics has developed between the two wars. Marketing ethics rejoins the problematic of regulations that must be performed with the one of values that must be realised in each delivery of every partner on the market, so that everything takes place in a moral frame. It also concerns pretensions of social groups that are influenced by the consequences of the fluxes offer of goods, services and ideas, on the short, medium and long run (Florescu, Malcomete et al, 2003, p.238). According to the same opinions, by utilising specific discrimination criteria, following fields of marketing ethics can be distinguished: the prescriptive field of marketing ethics (regarding the conduct of decision-makers in their market relationships), descriptive or explicative ethics field (concerning valuing the results of experimental sciences in diminishing the conflict-generating frame regarding the role of marketing in market relations, the interpersonal conflicts between marketing department and the other functional structures of the company, the conflicts between company and its market environment), and depending on the object of the activity,

diverse fields can be distinguished, like: marketing research ethics, strategic marketing ethics or marketing instruments ethics (Florescu, Malcomete et al, 2003, p.239).

3. The regulative frame

Preoccupations regarding marketing ethics have been materialised as the code of marketing and advertising ethics elaborated in 1937 by the International Chamber of Commerce (ICC). The content of this code has been modified and revised permanently, reaching new strengthened and extended versions nowadays (New Ethical Code Guides Marketing Communication Worldwide, elaborated in 2006 in Paris). In the same time, one can signal approaches regarding the elaboration and publishing of the Ethics code in the field of marketing research by the European Society for Marketing Research and Opinions (ESOMAR) in 1948.

The importance of marketing ethics has also led to the initiative of the American Marketing Society to adopt a declarations regarding ethics in 2004, declaration referring to ethical regulations and values that must direct the conduct of its members and that in the same time serves as guide to be followed by the marketers in the orientation and developing of their activity. According to this declaration, marketers must acquire for themselves the highest ethical regulations and values regarding the professional practices implied by the responsibility towards the interested parts (consumers, employees, investors, members of the media, host communities), regulations being directing standards awaited and maintained at a level of professional organisations and/or society, and the values representing the people's collective conception about what they consider suitable, desirable, important and fair from a moral point of view, serving as evaluation criteria for the action of others.

General regulations contained in the declaration refer to the following aspects:

- a) Marketers must not harm, which means they have to put in practice what they know and are taught to do in order to add value to their own organisations and for consumers, according to law and regulations, embracing the highest ethical standards in the choices they make.
- b) Marketers must strengthen the confidence in the marketing system, which means that promoting products as such must correspond to the intentions for which they were created. Marketing communications referring to goods or services must not disappoint or cheat intentionally (pointing out, in the same time, the necessity to prevent equitable arrangements and/or compensations for the discontents (complaints) of the consumers).
- c) Marketers must transmit, communicate and practice fundamental ethical values that will increase the consumers' confidence in the integrity of the marketing system. These basic values are intended aspirations and they include:
 - honesty (to be honest and correct in business towards consumers, underlining, among other considered aspects, offering products at the value expressed by the marketing communication);

- responsibility (to accept the consequences of marketing decisions and strategies, among others, concerning recognising the engagements towards certain vulnerable market segments, such as children, older people or other disadvantaged categories);
- fairness (to find an equilibrium between consumers' needs and purchasers' interests, considering, among others, the clear representation of products both in the selling process, as well as in the advertising approaches or of other communicational nature);
- respect (respecting the human dignity of all members of the society);
- openness (to create transparency in marketing operations);
- respecting citizen duties (to accomplish economical, legal, philanthropic and social responsibilities that serve the stakeholders in a responsible way (AMA, 2004).

As it is easily noticeable, a special importance is given to ethical aspects of the entire system of marketing communication, and specially of the communication technique with the largest and most visible impact on the public – advertising.

The same preoccupations regarding marketing communication ethics have been noticed in the case of the ethical Code referring to marketing and publicity, whose revised version, published in 2006 in Paris by the International Chamber of Commerce, enlarges the enfolding sphere of ethical aspects with other composing elements of the marketing communication techniques and instruments ensemble. Thanks to the development of the technology, to the growth and diversification of the consumer demand, it has reached the situation in which marketers have seen themselves compelled to identify new modalities of communication with the consumers. The new code rejoins in the same structure the formerly separated codes (referring to promoting sells, sponsoring, direct marketing, utilising the electronic media and the environment – green marketing), extra including directive lines for a multitude of advertising practices and others marketing communication techniques (from Internet publicity and SMS, as well as new pylons of mass-communication), as well as recommendations regarding the content of advertising messages (what should and what shouldn't be utilised in marketing communication for children).

Adopting and respecting this new version of the code by the numerous companies active in the business world is meant as a way to increase the consumers' satisfaction that form the target-public. The main objectives of the code refer to the following aspects:

- a) to prove the responsibility and good practices in advertising and marketing communication around the world;
- b) to increase public's confidence in marketing communication;
- c) to respect consumers' confidentiality and wishes;
- d) to assure special responsibilities regarding marketing communication for children/teenagers;

- e) to protect the liberty to express themselves of those implied in marketing communication (according to specifications from Article 19 of the International Contract of the United Nations , regarding Civil and Political Rights);
- f) to offer practical and flexible solutions;
- g) to minimize the necessity of a legislation or of some detailed governmental or non-governmental rules (International Chamber of Commerce, World Business Organisation, 2006).

The code addresses to consumers and advertising specialists in the same time, setting clear standards to which marketing communication must adhere and minimum levels of consumers' protection, so that the confidence in the utilised methods is maximised.

The controversies regarding communication ethics are directed both towards messages transmitted to the public, as well as towards techniques and instruments utilised in the approach of marketing communication.

Marketing communication ethical problems are much more frequent in international marketing because of some barriers specific to international communication, barriers that determine perturbations in the process of transmitting and correct receiving of messages: language differences, cultural differences, the availability of communication media, legal restrictions regarding the promotion, economical differences, taste differences, customs, attitudes, the availability of promoting agents, the specific of local distributors (Sasu, 1998, pp. 248-252).

4. Ethics in advertising

Generally, the most severe accuses regarding the lack of ethics are brought to advertising, from the ensemble of marketing communication techniques and instruments, this being the one with the highest degree of manipulation of the consumer's conscious. Used by organisation to send messages with the purpose of arousing some answers of a perceptual or behavioural nature in the targeted public, advertising has certain functions (it informs the public – stimulation primary demand, it persuades consumers – following the creation of a selective demand, it makes comparisons – with the goal of proving the superiority and the maintain consumers' interest for trademarks and products) and has a series of characteristics that offer a certain specificity and reveal controversies about the ethics (Kotler, Armstrong et al, 1999, p. 832; Kotler, 1997, p. 779; Popescu, 2003, p.117):

- a) it has a public character, by repeating the message uncountable times;
- b) it has the capacity to offer credibility to the announcer (sponsor), considered to be powerful, trustworthy and successful;
- c) it has enhanced expressivity, by combining image, sound, movement, colour (specially by the support of television);
- d) it is efficient at maintaining contacts between the company and the large public, geographically dispersed;

- e) it has an impersonal character, being a mediated communication.

Specifically tied together with these functions and characteristics, among the main critiques and controversies regarding the lack of ethics in advertising we count:

- a) manipulation, respectively affecting the autonomy of the individual, advertising being accused to be coercive, because it interferes with the free choice of the consumer, who cannot decide by himself what he needs, but is exposed to a barrier of influences that might be irrelevant or even contrary to his needs (Solomon, 2006, p. 392);
- b) cheat, when ambiguous affirmations are made, when half-information is presented, when recourse to omissions is made etc.; advertising must not exploit the lack of information or experience of the consumer (specially in the situation when technical tests are referred to, they must be explicit and their validity must be proved – for example, in case of publicity for certain medicines that promise to rapidly heal a certain disease, without being able to prove this fact or in the situation when the secondary effects of those medicines are not specified, but it's recommended to consult a doctor or a chemist);
- c) manipulating children, badly influencing their behaviour, children being very vulnerable towards commercials; from this point of view, the Practice Code in Advertising in Romania plans that advertising must not suggest the fact that possessing or using a product will offer the child a physical or social advantage;
- d) making comparisons between trademarks and products, starting from false affirmations or half-realities (from this point of view it is although permitted to make some comparisons, to some limit, for example using the ambiguous expression „regular detergent” in comparison with the detergent in the centre of the message);
- e) arousing some „artificial” needs, inducing a state of „dissatisfaction” towards already utilised products, state that could be cancelled by purchasing other products, which don't necessarily need, but might want;
- f) the party character and the artificial demand of some differentiations between the same type of products, critiques came from the fact that there are a lot of situations in which the affirmations referring to a product are exaggerated;
- g) using violence, scenes with sexual connotations, teasing or excessively underlining some unworthy human features (evilness, envy etc.) or weaknesses, from this point of view, among the most criticised advertising messages there are the ones utilised by the clothing company Benetton, which presented shocking images in their advertising campaigns, reality scenes of life and death, symbols of racial discrimination: Great Britain's queen as an Afro-American woman, a dead Bosnian soldier's uniform filled with blood etc. (Kotler, Armstrong et al, 1998, p. 826);

- h) violating person's intimacy (specially in the case of direct advertising, when marketers often make recourse to soliciting purchasers' personal data to fill in databases), consumer's irritation (through excess of commercials, through high broadcast frequency etc.), exacerbating people's states of restlessness or insecurity, specially in the case of publicity for medicines, life insurances, or for other goods or services destined for the consumers' health or security;
- i) excessive use of sexual connotation, knowing the fact that for years seduction has been one of the most successful modalities for marketers in promoting all kinds of products (chocolate, cars, clothing, cosmetic products, beverages etc.); exacerbating the utilisation of these connotations has led to numerous protests from the civil society.

Advertising manipulates both by the content of the messages, as well as through the way in which these messages are presented. The advertising language itself (that can generate associations of ideas or stereotypes, depending on the targeted group), leaving out some parts of a structure, omitting prepositions, substitutions, different meanings for one word or word games, create certain significations in the individuals' mind, setting off intimate resorts, action automatisms. The paralanguage (gesticulation, mimics, face expression etc.) and also the utilized sounds generate certain answers from the target-public, who is asked more and more insistently to direct their attention towards the transmitted messages.

One of the most severe accuses brought to those working in the advertising field is that they appeal more and more frequently to psychologists and neural-psychologists, with the undeclared purpose to develop other psychological manipulation techniques in the advertising creation, situated on the border between under-perception and normal perception, where they can be found (Prutianu, 2000, pp. 232-234): the deliberated confusion (respectively the deliberate generation of doubts and confusing situations in the structure of an advertising message, with the purpose of soliciting the tense attention), the naïve creation (regarding utilizing some advanced techniques and technologies, in order to create one of the most naïve audio-visual productions, eventually advertising films like the cinema clubs for children; in these productions images follow one another rapidly and apparently without logic, maintaining the attention until the final message; an incriminatory example in this sense is the one of the Coca-Cola clip where a certain Henderson is eaten by an alien infiltrated in the crew of a spaceship), the technique of the gust (used in the form of some shootings and waterfalls of sounds and images, unwinding at the limit of the receptor's capacity to store and interpret, who reflexively, unconsciously increases the effort to store them), perceptual automatisms (respectively the transmission of some sounds and images that have diverse connotations for the human activity: baby-cries, police sirens, sexual temptations etc., in order to stimulate the attention, the imagination and the memory, short-term hypnosis (most frequently obtained through short flashes and pulsating sounds and images, that work on the receptors of the

message, these being convinced they act from their own will). In order to verify these accusations, starting with the second half of the XXth century, there have been realised numerous studies and researches, the specialists admitting that it is not evident that subliminal commercials persuade people to buy goods and services, because no study has indicated whether each of these theoretical approaches was really utilised by the marketers to increase the sales (Bratucu and Bratucu, 2007, p.17).

The content of advertising messages rise very often ethical problems in international marketing, especially because of the cultural and language differences between the world's countries and areas. Some words, gestures, colours, symbols have different significations on different meridians of the world and are also interpreted differently. What is natural, honest or adequate in one European country may be ridiculous, obscene or dishonourable in another country, insulting the modesty, pride and vanity of its population (for example, green colour is sacred for Muslims, white colour signifies purity in the occidental culture, while in Asia it is associated with death and mourning etc.).

Another unwanted aspect in advertising work is the one tied with adopting some ideas already used in some commercials, under forms more or less visible, harder or easier to prove. Conceiving some advertising messages starting from some previously used ideas raises serious ethical problems in the advertising creation activity.

All these presented aspects and many others entitle us to say that there are many "tricks" utilised in advertising world (often at the limit between moral and immoral), with the purpose to transform us in docile buyers, purchasing products increasing the profits of the producing companies and of the advertising agents that work for them.

5. Ethics in public relations

Another instrument utilised in marketing communication and a controversy field regarding the lack of ethics is represented by the public relations. The first ethical controversy regarding the public relations activity is tied to the validity of the positive images sold by PR. "A created image sells an impression and this impression is the result of public relation work" (Tabacu, 2008, p.12).

The importance of respecting ethics in public relations has been emphasized in the content of the International Ethics Code in Public Relations, adopted by the International Associations of Public Relations (IPRA) in 1965 and revised in 1968, code according to which, among other duties, the members of the associations must correctly inform, not subordinate the truth, induce the feeling of personal involvement and responsibility, take into consideration the interests of the implied parties (IPRA, 1965).

Among the objectives of the public relations activity we count the creation and the consolidation of a favourable image towards companies and their offers, as well as minimizing the negative impact upon the public or any other component of the

external environment of the company, impact resulted in form of decisions or activities of the companies.

One of the most utilised communication techniques with the public, to which public relations specialists make recourse in the approaches regarding the image they wish to obtain, is the communication with the press (through communiqués, conferences, press declarations etc.), the relationship with the press being intensified specially in unpredictable, crisis situations.

Because of this reason, the main ethical problem these specialists face is linked to the way in which the ideas they support are structured and presented to the public, so that they are transmitted correctly and express a real situation.

No matter the situation in which public relation techniques are utilised (crisis situations, in connection to certain events with a positive signification etc.), it is difficult to judge what ethics in P.R. means, especially when the different positions from which is analysed the correctitude of the way the own instruments are utilised is taken into consideration. If ethics could mean for the organisation's public not to manipulate through half-communiqués, some specialists in P.R. activity consider that ethics may be defined more like the decision to serve a client, whose auto-defined interests are ethical exactly from the public relations specialists' point of view (Neculai, 2005).

6. Ethics in direct marketing and the sales promotion activity

Because of the weight of the communicational aspect, direct marketing and electronic communication are activities regulated at an international level or in certain countries of the world, because of the weight of the communicational aspect (European Conduct Code for Direct Sales, approved by the European Federation of Direct Sales Associations – FEDSA, in 1995, the ethical conduct Code for sales activity in Romania, published by the Direct Sales Association in Romania – RODSA, the conduct Code for the electronic commerce etc.)/

The main ethical problems are linked mainly to the way of utilising information in databases, protecting information with personal character and the consumers' intimacy, the clarity of the communicated messages, protecting minors and teenagers.

In which concerns the activity of sales promoting, there is a series of aspects that can raise ethical problems, for example, aspects regarding the correctitude of the way contests, games and lotteries are organised and taking place, the correct utilisation of price reductions, the value and signification of the promotional gifts and the occasions when they are offered etc. When marketers decide to organise a campaign to promote sales, they must take into consideration the national safety standards, the cultural differences, prejudices and suspicions, in order not to infringe the conduct regulations in those countries. For example, inside a campaign organised by a detergent producer in Thailand, the consumers are offered the chance to win a house if they found in the detergent boxes one of the six golden coins introduced by the

organisers. Queues have formed very rapidly in front of the stores who sold that detergent and the buyers have spilled the boxes' content on the street in search of the coins. Only five of them were fond, but people continued to buy that detergent for a long period of time after the campaign had finished, that was ended by a governmental intervention (Kotler, Armstrong et al, 1998, p.885). One of the most drastically regulated sales promotion activity is organising contests with promotional character. This is forbidden in Holland, Belgium, Luxembourg and Germany and is conditioned in Great Britain, Ireland, France Italy, Denmark (Pop si Dumitru, 2001, p. 326).

7. Conclusions

No matter the nature and the intensity with which they are used, the instruments that enhance marketing communication must be correspondingly utilised, and the transmitted messages must contain real information, this way corresponding to the expectations, demands and characteristics of the targeted public. The preoccupations regarding reaching and maintaining some high moral standards in marketing communication have led to the elaboration and improvement of some declarations and codes, including ethical regulations of the marketing communication either in its ensemble, or for each communication instrument separately. According to these codes, marketing professionals must develop their activity in conditions of correctitude and respect towards the public, responsibility and honesty, care and consideration towards people and environment. The organisations who initiate communicational approaches must take into consideration both their own reasons, regarding obtaining profit, the reasons of their public, respectively satisfying their consume necessities, as well as the general reasons of the society, regarding the assuring of the present and future wellbeing of its members.

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